

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|---------------------|
| ZACHARY GREENBERG | : | |
| | : | CIVIL ACTION |
| <i>Plaintiff</i> | : | |
| | : | NO. 2:20-CV-3822 |
| v. | : | |
| | : | |
| JAMES C. HAGGERTY, in his | : | |
| official capacity as Board Chair of the | : | Hon. Chad F. Kenney |
| Disciplinary Board of the Supreme | : | |
| Court of Pennsylvania, <i>et al.</i> | : | |
| | : | |
| <i>Defendants</i> | : | |

JOINT STATUS REPORT

Per this Court’s March 30, 2021 Order, the parties met and conferred on April 5, 2021, and now file the following Joint Status Report:

1. Plaintiff filed this First Amendment challenge to Pennsylvania’s Rule of Professional Conduct 8.4(g) and related comments on August 6, 2020, which were to go in effect on December 8, 2020. On December 8, 2020, this Court entered Orders denying Defendants’ Motion to Dismiss Plaintiff’s Complaint and granting a Motion for Preliminary Injunction filed by Plaintiff. Defendants have been enjoined from enforcing Rule 8.4(g) since that date.

2. On December 22, 2020, Defendants filed an appeal of this Court’s Order granting Plaintiff’s Motion for Preliminary Injunction. This Court stayed proceedings while Defendants’ Third Circuit appeal was pending.

3. While the appeal was pending , Defendants began to explore the possibility of amending Rule 8.4(g) and related comments

4. Because Defendants intended to amend Rule 8.4(g), Defendants elected to withdraw their Third Circuit appeal. After conferring with Plaintiff, Defendants filed a Stipulation of Voluntary Dismissal pursuant to Federal Rule of Appellate Procedure 42(b) on March 16, 2021.

5. The Disciplinary Board of the Supreme Court of Pennsylvania will consider proposed amendments to Rule 8.4(g) at the Board's upcoming April 13, 2021 meeting.

6. Following its April 13, 2021 meeting, the Board will forward its comments and recommendations to the Supreme Court of Pennsylvania. The Supreme Court, with the benefit of the Board's input, will then determine whether to adopt the proposed amendments and enact a revised Rule 8.4(g).

7. Plaintiff has been advised of Defendants' intent to amend Rule 8.4(g), and is not opposed to staying these proceedings for a reasonable time while the amendment process plays out.

8. If the Court is not inclined to grant such a stay, Plaintiff would otherwise move the Court to convert its preliminary injunction into a permanent injunction and to enter final judgment.

9. The parties are available to discuss this matter further at the Court's convenience should the Court require any additional information.

Respectfully submitted,

s/Michael Daley

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ZACHARY GREENBERG

Plaintiff

v.

JAMES C. HAGGERTY, in his
official capacity as Board Chair of the
Disciplinary Board of the Supreme
Court of Pennsylvania, *et al.*

Defendants

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CIVIL ACTION

NO. 2:20-CV-3822

Hon. Chad F. Kenney

CERTIFICATE OF SERVICE

The undersigned certifies that on April 9, 2021, they caused the foregoing
Joint Status Report to be served via CM/ECF on all counsel of record.

Respectfully Submitted,

s/Michael Daley

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